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ENERGY CORPORATION OF AMERICA

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 RUSSIAN HILL CAPITAL, L.P.,

13 Plaintiff,

14 vs.

15 ENERGY CORPORATION OF AMERICA
and DOES 1-10,

16 Defendants.
17

Case No. 3:15-cv-02554-HSG

**STIPULATION AND ORDER
SETTING BRIEFING SCHEDULE ON
DEFENDANT'S PLANNED MOTION
TO DISMISS FIRST AMENDED
COMPLAINT**

Civil L. R. 7-3

Before the Hon. Haywood S. Gilliam, Jr.

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21 **RECITALS**

22 WHEREAS, Plaintiff Russian Hill Capital, L.P. ("Russian Hill") commenced this action
23 by filing its Complaint For: (1) Fraud [and] (2) Misrepresentation of Facts – Cal Corp Code §
24 25501(the "Complaint") on May 5, 2014 in the Superior Court of the State of California, County
25 of San Francisco;

26 WHEREAS, Russian Hill served the Complaint on Defendant Energy Corporation of
27 America ("ECA") on May 14, 2015;
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WHEREAS, ECA removed the action to this Court on June 9, 2015, with ECA's filing of its Notice of Removal;

WHEREAS, on June 16, 2015, ECA filed a motion to dismiss the Complaint;

WHEREAS, on July 7, 2015, Russian Hill elected not to oppose ECA's motion to dismiss and instead exercised its right under Fed. R. Civ. P. 15(a)(1)(B) to amend its pleading by filing its First Amended Complaint For: (1) Fraud, (2) Misrepresentation of Facts – Cal Corp Code § 25501, [and] (3) Violation of Section 14(e) of the Exchange Act (the "First Amended Complaint");

WHEREAS, ECA intends to file a motion to dismiss directed to the First Amended Complaint (the "Motion");

WHEREAS, the parties have conferred concerning a briefing and hearing schedule for the Motion; and

WHEREAS, the parties wish to (a) extend by one week the time specified in Fed. R. Civ. P. 15(a)(3) for filing the Motion, (b) set a hearing date for the Motion, and (c) modify the briefing schedule from that normally provided for in Civil L. R. 7-3, on terms that will both accommodate certain commitments of counsel on other matters and still afford the Court 21 days of preparation time before the hearing date;

THEREFORE, subject to the Court's approval, the parties agree as follows:

STIPULATION

1. ECA shall file its Motion on or before July 28, 2015, and will notice the Motion for hearing on the Court's regular civil law and motion calendar for September 24, 2015;

2. Russian Hill shall file any papers in opposition to the Motion on or before August 20, 2015.

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3. ECA shall file any reply papers on or before September 3, 2015.

Dated: July 13, 2015

VINSON & ELKINS LLP

By: /s/ Michael L. Charlson
Michael L. Charlson

Attorneys for Defendant
ENERGY CORPORATION OF AMERICA

KAUFHOLD GASKIN LLP
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By: /s/ Steven S. Kaufhold
Steven S. Kaufhold

Attorneys for Plaintiff
RUSSIAN HILL CAPITAL, LP

ORDER

Pursuant to stipulation of the parties and good causing appearing, the briefing and hearing schedule on Defendant Energy Corporation of America's planned motion to dismiss the First Amended Complaint of Plaintiff Russian Hill Capital, L.P., shall be as follows:

1. The motion to dismiss shall be filed on or before July 28, 2015.
2. Any opposition papers shall be filed on or before August 20, 2015.
3. Any reply papers shall be filed on or before September 3, 2015.

Subject to any further order of the Court, the motion to dismiss shall be noticed for hearing as part of the Court's regular law and motion calendar on September 24, 2015.

SO ORDERED.

Dated: July 15, 2015


United States District Judge

ATTESTATION OF ELECTRONIC FILING

I, Michael L. Charlson, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING SCHEDULE ON DEFENDANT'S PLANNED MOTION TO DISMISS FIRST AMENDED COMPLAINT. I hereby attest that counsel whose e-signatures appear above have concurred with this filing.

Dated: July 13, 2015

By: /s/ Michael L. Charlson
Michael L. Charlson

Attorneys for Defendant
ENERGY CORPORATION OF AMERICA

CERTIFICATE OF SERVICE

The undersigned certifies that on July 13, 2015, the foregoing document was electronically filed with the Clerk of the Court for the UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, using Court's Electronic Case Filing (ECF) system. The ECF system routinely sends a "Notice of Electronic Filing" to all attorneys of record who have consented to accept this notice as service of this document by electronic means.

The undersigned certifies that on July 13, 2015, a true and correct copy of the foregoing document was served on counsel of record listed below by U.S. Postal Service:

**Steve Kaufhold
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By: /s/ Michael L. Charlson
Michael L. Charlson

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ENERGY CORPORATION OF AMERICA